

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

United States of America  
v.

)  
)  
)  
)  
)  
)

Case No.

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of \_\_\_\_\_ in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ District of \_\_\_\_\_, the defendant(s) violated:

*Code Section*

*Offense Description*

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.

\_\_\_\_\_  
*Complainant's signature*

\_\_\_\_\_  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge's signature*

City and state: \_\_\_\_\_

\_\_\_\_\_  
*Printed name and title*

**AFFIDAVIT**  
of  
**CURTIS J. BRYANT**  
Special Agent  
Federal Bureau of Investigation

I, Curtis J. Bryant, being first duly sworn, depose and state as follows:

1. I am a Special Agent (“S/A”) of the Federal Bureau of Investigation (FBI), Jefferson City, Missouri. I have been an S/A with the FBI for over eight (8) years, and have cumulative law enforcement experience of sixteen (16) years as a sworn peace officer.

2. As an S/A, I am authorized to investigate violations of laws of the United States, and to execute warrants issued under the authority of the United States. I have received specialized training in investigating cyber crime, including child pornography, and have investigated the same.

3. At all times throughout this affidavit, I use the term “child pornography” merely as shorthand to refer to visual depictions of actual minors engaged in sexually explicit conduct. I use the terms “visual depiction,” “minor” and “sexually explicit conduct” as they are defined in 18 U.S.C. § 2256.

4. This affidavit is based on my own personal knowledge as well as information provided to me by other law enforcement agencies and officers, including but not limited to, FBI S/A David S. Herr, St. Louis Division, FBI S/A Patrick M. Geahan, Chicago Division, FBI S/A Michael Daniels, Kansas City Division, and FBI Investigative Support Specialist (ISS) Kristen Mueller, FBI Headquarters, Cyber Division. Since this affidavit is being submitted for the limited purpose of establishing probable cause for a complaint, I have not

included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish probable cause.

### **Background**

5. On September 19, 2009, S/A Herr and local authorities executed a federal search warrant at the residence of Michael P. Martin, 995 3rd Street, Troy, Lincoln County, Missouri, regarding the manufacture, distribution and/or possession of child pornography. During the search of Martin's home, S/A Herr located two external hard drives. Forensic review of the contents of the hard drives revealed numerous images of child erotica and child pornography, including pornographic images of a nine year old juvenile (hereafter "J.B.") Investigation revealed that J.B. was the son of one of Martin's co-workers. Over 130 of the images (pornographic and otherwise) of J.B. appeared to have been taken at a Super 8 Motel. S/A Herr determined this based on the configuration of the room, room number displayed on the door, and Super 8 Motel paraphernalia (e.g., plastic cups) plainly visible in the images.

6. The Super 8 Motel room was spacious, uniquely decorated with a wreath and flowers, and contained a Jacuzzi tub. Also plainly visible in various pictures were Martin, Klopfenstine, and Jose C. Garcia, all subjects with whom S/A Herr was familiar. Comparison of the images to each subject's respective drivers license photograph confirmed their identities. Digital stamping indicated the images were likely taken on June 9, 2009.

7. On October 20, 2009, S/A Herr and I interviewed Harry Patel, the General Manager of the Super 8 Motel, 420 American Road, Boonville, Cooper County, Missouri.

Mr. Patel provided information that, on June 9, 2009, an individual using the name Paul Martin rented room #201, the “Jacuzzi suite,” for one night. Martin utilized Visa card number XXXX XXXX XXXX 3016 in the name of Jose C. Garcia to pay for the room. Martin provided a Missouri driver’s license to motel staff upon check-in, which displayed a home address of 1116 N. Rockhill, Rock Hill, Missouri, and an identification number of SXXXXXX014.

8. Mr. Patel allowed S/A Herr and me to observe and photograph room #201. Comparison of the actual room to the room in the pornographic images revealed that they were one and the same, based upon the furnishings, construction materials, furniture placement, room configuration, wall colors, upholstering, carpeting, lighting, and room numbering. Even the room decorations, which Mr. Patel indicated were unique to his Super 8 Motel, were the same as those in the pornographic images. Mr. Patel stated that he purchased the room decorations himself, specifically the wreath hanging on the living room wall and the bouquet of flowers on the kitchenette counter top, and indicated that they were not standard Super 8 Motel decorations.

9. On November 3, 2009, S/A Herr interviewed J.B., who recalled the trip to the motel to see “Razz” (Klopfenstine’s alias and online screen name). J.B. was confused about the specifics of the trip, recalling his belief that Klopfenstine lived in Columbia, not Boonville; however, J.B. clearly recalled the photos being taken, especially when presented with non-pornographic images that were part of the same series of pictures.

10. In the series of photographs determined to have been taken at the Super 8 Motel on June 9, 2009, J.B. is depicted engaged in various activities and in various stages of undress. A number of images depict J.B. dressed only in underwear and involved in a pillow fight with Michael P. Martin (an adult male) who is also wearing only underwear. Several images depict J.B. and Martin together in the bathtub. J.B. is depicted removing his underwear in several images, and various other images depict J.B. completely nude. In one image, J.B. is depicted touching his penis with his hand. The focus of another image is J.B.'s penis. In other images, J.B.'s nude buttocks are depicted. In several images, Klopfenstine is shown nude in the bathtub and is masturbating. Jose C. Garcia also is depicted clothed in several photographs. However, in at least two images he is in bed with J.B., who is partially undressed, and both are under the covers and appear to be sleeping. Garcia's arm is embracing J.B. It appears that all participants were involved in taking photographs due to the fact that each appears as a subject in one or more pictures.

11. Files containing images taken with digital cameras contain EXIF data, or metadata, which provides identifying information relating to the camera used to take the image, including but not limited, to the camera's make, model and often its serial number. Information relating to various camera settings utilized to take the photograph are also identified. In reviewing the images taken on June 9, 2009, depicting Klopfenstine, J.B. and others, I determined that the camera used to take the images was a Canon Digital Rebel, Model XS. I am aware that no Canon Digital Rebel cameras were manufactured in Missouri,

or even in the United States. Consequently, the camera traveled in interstate commerce before it was used to take photographs on June 9, 2009.

12. In researching Klopfenstine, I queried the National Center for Missing and Exploited Children (NCMEC) database. That query revealed Cyber Tipline Report #175305, received December 16, 2003, wherein California-based ISP Yahoo! Inc. reported a suspect using the screen name/email address of “[flight060@yahoo.com](mailto:flight060@yahoo.com)” had uploaded six child erotica/child pornography images to a group site located on Yahoo!

13. Public source queries conducted by NCMEC of various websites revealed five different sites associating Klopfenstine with the email address [flight060@yahoo.com](mailto:flight060@yahoo.com), three of which included personally entered identifier information (ICQ profiles). All were self-reported profiles, which collectively identified the user as:

Name:	Matt Klopfenstine
Nickname:	XRazX
Gender:	Male
DOB:	November 8, 1977
Address:	1015 Wingate Boonville, Missouri 65233 USA

14. The above referenced Cyber Tip was forwarded to local law enforcement, but no investigation was initiated at that time. Upon receipt of a compact disc from ISS Mueller containing the six images furnished by Yahoo! in support of the Cyber Tip, I reviewed the images, and observed that all of them were of juvenile males. Three contained frontal nudity, two contained rear nudity, and one was child erotica. Neither the identity of the juveniles nor the geographical origin of the photos is known.

15. On January 8, 2010, Garcia was interviewed by FBI Chicago Division under a proffer agreement, and provided information about Klopfenstine. According to Garcia, Klopfenstine had a small collection of child pornography and in mid-2008 had asked Garcia for child pornography. Garcia recalled sending approximately four videos to Klopfenstine via Yahoo! or MSN Instant Messenger. Klopfenstine later told Garcia that he had enjoyed the videos, and that he had masturbated to them.

16. Garcia stated that Klopfenstine was primarily attracted to boys around ten years of age. Klopfenstine often talked about his “young friend” Brandon, with whom he had fallen in love. Klopfenstine told Garcia that Brandon was approximately 12 years of age, and that he and Brandon had performed oral sex on each other. According to Garcia, Brandon moved to the Chicago area, and Klopfenstine, who worked for a chain of adult pornography stores, attempted to transfer to a store in the Chicago area so he could be close to Brandon.

/S/

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**Curtis J. Bryant**, Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me on this 5th day of August, 2010.

/S/

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**William A. Knox**  
United States Magistrate Judge